

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Plan B Wellness Center, LLC, and
Jack Rayis,

Plaintiffs,

Case No. 18-13433

v.

City of Detroit Board of Zoning Appeals, Sean F. Cox
Alternative Care Choices, LLC, Marcelus United States District Court Judge
Brice, and Gabe Leland,

Defendants.

ORDER GRANTING CORPORATE DEFENDANTS' MOTION TO DISMISS

On August 30, 2019, Defendant Alternative Care Choices, LLC, and Defendant Marcelus Brice (“the Corporate Defendants”) filed a Motion to Dismiss. (ECF No. 30). Plaintiffs did not respond. The Court issued a show-cause order, requiring Plaintiffs to show why this seemingly unopposed motion should not be granted. On October 27, 2019, Plaintiffs filed a response to the Court’s show-cause order. (ECF No. 30). Because the Court concludes that oral argument will not aid the decisional process, the Court will decide the motion on the parties’ briefing. Local Rule 7.1(f)(2).

The parties agree that the Court’s July 24, 2019 Opinion and Order Granting the City Defendants’ Motion to Dismiss (ECF No. 29) largely disposes of the Corporate Defendant’s Motion to Dismiss. It appears that the only remaining dispute is whether Plaintiffs’ claim¹ against the

¹The Court agrees with Plaintiffs that the Corporate Defendants are only named as defendants in Count III of Plaintiffs’ Complaint.

Corporate Defendants will be dismissed with or without prejudice. For the reasons stated in the Court's July 24, 2019 Opinion and Order, the Court concludes that Plaintiffs' claim should be dismissed with prejudice. Specifically, "[b]ecause Plaintiffs' substantive First Amendment retaliation claim fails [as explained in the July 24, 2019 opinion], this conspiracy claim must also fail." (ECF No. 29, PageID 490). Accordingly, the Court **GRANTS** the Corporate Defendants' Motion to Dismiss. (ECF No. 30).

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: November 18, 2019